

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ROBERT E. CARUSO and SANDRA L.
10 FERGUSON,

11 Plaintiffs,

12 v.

13 WASHINGTON STATE BAR
14 ASSOCIATION, *et al.*,

15 Defendants.

Case No. C17-00003RSM

ORDER GRANTING LEAVE TO FILE
AND DENYING MOTION FOR RELIEF
UNDER RULE 60

16 This matter comes before the Court on Mr. Eugster's Motion for Leave to file a Motion
17 under Rules 60(b)(3), 60(b)(6), and 60(d)(3) seeking to vacate decisions and orders in this case,
18 and the attached Rule 60 Motion. Dkts. #87 and #87-1. The Court will grant Mr. Eugster leave
19 to file the instant Rule 60 Motion, as it is not strictly subject to the bar order. *See* Dkt. #86.
20 However, the Court finds it can rule on this Motion without responsive briefing.
21

22 Mr. Eugster is seeking relief from orders and judgments that were decided over a year
23 ago and have already been the subject of appeal, and that this Rule 60 Motion is procedurally
24 deficient and untimely. On this basis alone the Court can deny the Motion.
25

26 However the Court has also reviewed Mr. Eugster's substantive arguments. Mr. Eugster
27 is attempting to relitigate this case. Mr. Eugster's Motion is based on the repeated assertion that
28 Defendants made ad hominem arguments in briefing over two years ago. *See* Dkt. #87-1. By

ORDER GRANTING LEAVE TO FILE AND DENYING MOTION FOR RELIEF UNDER
RULE 60 - 1

1 the Court's count, the phrase "ad hominem" appears 35 times. Finding some of an opponent's
2 arguments to be ad hominem alone does not render the remainder of the briefing or the Court's
3 Orders invalid. These are not magic words. Although Mr. Eugster was not personally the
4 subject of his clients' claims in this case, Defendants' references in briefing to Mr. Eugster's
5 numerous prior filings addressed legal issues before the Court and were relevant. Even if all of
6 the references to Mr. Eugster were not relevant, such does not invalidate the Court's prior
7 rulings, which were based on the entire record. Such references do not constitute
8 misrepresentation or misconduct under Rule 60(b)(3). Mr. Eugster has presented no evidence
9 of fraud on the Court under Rule 60(d)(3). He introduces no valid basis for the Court to
10 question its prior rulings or those of the Ninth Circuit.
11

12
13 Notably, in the end, Mr. Eugster is left arguing the Court "must, of necessity, act on the
14 basis of Fed. R. Civ. P. 60(b)(6)," with an argument section that states, in its entirety: "[w]hat
15 the Bar Association and its lawyers have done is extraordinary, and cynical." This is assertion
16 without proof—ipse dixit.
17

18 Given all of the above, the Court finds and ORDERS that Mr. Eugster's Motion for
19 Leave, Dkt. #87, is GRANTED, and that Mr. Eugster's Motion under Rule 60, Dkt. #87-1, is
20 DENIED. This case is CLOSED.

21 DATED this 28 day of October 2019.
22

23
24 

25 RICARDO S. MARTINEZ
26 CHIEF UNITED STATES DISTRICT JUDGE
27
28